

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Isaac Wright

Plaintiff,

v.

Case No.: 1:22-cv-04553

Honorable Steven C. Seeger

DriverDo, LLC

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, May 11, 2023:

MINUTE entry before the Honorable Steven C. Seeger: The Court has reviewed Plaintiff's motion for conditional certification under the FLSA (Dckt. No. [16]). Defendant opposes the motion on the grounds that at least some of the employees that Plaintiff seeks to notify have signed arbitration agreements that will preclude their participation in this action. See Def.'s Resp., at 5–7 (Dckt. No. [20]). Plaintiff, in turn, "affirmatively disputes the existence of a valid arbitration agreement on behalf of himself and the putative collective." See Pl.'s Reply, at 2 (Dckt. No. [24]). Under *Bigger v. Facebook, Inc.*, 947 F.3d 1043, 1050 (7th Cir. 2020), the Court must permit the parties to submit evidence on the agreements' existence and validity. See *Bigger*, 947 F.3d at 1050. "The employer seeking to exclude employees from receiving notice has the burden to show, by a preponderance of the evidence, the existence of a valid arbitration agreement for each employee it seeks to exclude from receiving notice." *Id.* Accordingly, Defendant has until May 26, 2023, to submit any additional evidence showing the existence of a valid arbitration agreement for each employee that it seeks to exclude from receiving notice. The Court directs the parties to meet and confer before that filing, and see if they can narrow any potential dispute. A response by Plaintiff to that submission, if any, is due by June 5, 2023. The Court will keep the motion for conditional FLSA certification (Dckt. No. [16]) under consideration in the meantime. Mailed notice. (jjr,)

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